REMARKS

Claims 1-48 remain in the present application. Claims 19, 22, 23, 24, and 29 have been amended to depend from independent claim 32. Consequently, claims 1 and 32 are the only independent claims currently pending. Additionally, claims 20, 21, 25-28, 30-33, 36, 37, 39, 41, and 42 have been amended to remove the term "step" or "steps" for stylistic reasons.

Election of Species Requirement

The Examiner states that "[s]everal species are drawn and are depicted by Figures 7B-7E and defined by claims 2-31, 33-48" and suggests that "the applicant draw the appropriate species due to the extent of complexity in this election/restriction." Based on the above position, the Examiner concludes that "[t]he species are independent or distinct because they do not overlap in scope, they are mutually exclusive, are not disclosed as capable of use together and they are not connected in any design, mode of operation, or effect under the disclosure."

Response to Election of Species Requirement

Applicants traverse the Examiner's restriction/election requirement for the following reasons.

Improper Restriction

A restriction is proper if two or more inventions are independent and if there would be a serious burden on the Examiner if restriction is not required. *MPEP* 803. Examiners must provide reasons and/or examples to support their conclusions. *Id.*

Insufficient Showing of "Independent"

The Examiner asserts that "[s]everal species are drawn and are depicted by Figures 7B-7E and defined by claims 2-31, 33-48." Without providing any rationale to support this position, the Examiner concludes that "[t]he species are independent or distinct because they do not overlap in scope, they are mutually exclusive, are **not capable of use together** and they are not connected in any design, **mode of operation**, or effect under the disclosure."

Applicant's disclosure clearly states that "Figs. 7B to 7E are views illustrating a *sequence* of reading/writing segments of Fig. 7A in a line memory." *Applicant's published application*, paragraph [0063]. In particular, Fig. 7B shows a state where the pixels of Phase 1 are written in the line memory. *Id.*, paragraph [0065]. Fig. 7C shows the state where the pixels of Phase 2 are written in the line memory, after the pixels of Phase 1 that had been stored in the line memory are read out. *Id.*, paragraph [0066]. Fig. 7D shows the state where the pixels of Phase 3 are written in the line memory, after the pixels of Phase 2 that had been stored in the line memory are read out. *Id.*, paragraph [0067]. Fig. 7E shows the state where the pixels of Phase 4 are written in the line memory, after the pixels of Phase 3 that had been stored in the line memory are read out. *Id.*, paragraph [0068].

Accordingly, the Examiner has failed to show how "[s]everal species are drawn and are directed by Figures 7B-7E and defined by claims 2-31, 33-48" since Figs. 7B-7E merely show the *sequence* of reading/writing segments of Fig. 7A in a line memory, and thus are **capable of use together** and connected by **mode of operation**.

<u>Insufficient Showing of "Serious Burden"</u>

A serious burden on the Examiner may be *prima facie* shown by an appropriate explanation of separate classification, separate status in the art, or a different field of search as defined in *MPEP* 808.02. *MPEP* 803.

The Examiner has failed to make any such showing. Accordingly, a *prima facie* case has not been established, and the burden to show serious burden still remains on the Examiner.

Improper Action by Examiner

In arguendo, even if a restriction was appropriate, an Examiner must take the following actions:

1) Identify the generic claims or indicate that no generic claims are present.

2) Clearly *identify* each (or in aggravated cases at least exemplary ones) of the *disclosed* species, to which the claims are to be restricted.

3) Advise the applicant of the requirement to elect a single *disclosed* species. *MPEP* 809.02(a).

In the present case, the Examiner has failed to clearly *identify* the species (or at least examples of such species) to which the claims are to be restricted. Instead, the Examiner merely states that several species are depicted by Figs. 7B-7E and defined by claims 2-31 and 33-48 (which are all the claims not identified as generic) and suggests that *Applicant* draw the appropriate species due to the complexity of this election/restriction.

Accordingly, since the Examiner has failed to clearly *identify* the species to which the claims are to be restricted, there are no *disclosed* species for the Applicant to elect. For at least the reasons stated above as well as Applicant's amendments, the Examiner's restriction/election requirement is improper.

CONCLUSION

An early indication of the allowability of claims 1-48 in connection with the present application is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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